

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ROBERT NELSON HOWELL, JR.,

Petitioner,

v.

No. 16-077-DRH

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM and ORDER

HERNDON, District Judge:

On January 22, 2016, Howell, pro se, filed another petition pursuant to 28 U.S.C. § 2255 petition (Doc. 1). On January 28, 2016, the Court dismissed for lack of jurisdiction Howell's petition as an unauthorized successive petition (Doc. 2). Now before the Court is a pleading titled "Motion to reply to District Court's Petition," which the Court construes as a motion to reconsider (Doc. 4). Howell contends that his petition should have been filed in his closed criminal case, 98-30200-DRH, and should have been considered as a request by him for the Court to determine if it had jurisdiction in the first instance when the Court originally sentenced him. However, Howell is relying on the authority of 28 U.S.C. § 2255 in order to call into question the Court's jurisdiction. Howell admittedly has filed several 28 U.S.C. § 2255 petitions.¹ As stated in the Court's January 28, 2016

¹ In fact, by the Court's count, this closed petition is the fourth petition that Howell has filed and titled as a petition pursuant to 28 U.S.C. § 2255. The first filed on September 9, 2001. See *Howell v. USA*, 01-0607-DRH, Doc. 1. On May 16, 2002, the undersigned denied Howell's petition and

Order, a prerequisite for filing a second or successive petition is to get permission from the Seventh Circuit Court of Appeals (Doc. 2). Howell has not provided the Court with authorization to proceed from the Seventh Circuit Court of Appeals and the Court does not have the power to authorize Howell's second or successive motion.

Accordingly, the Court **DENIES** the motion to reconsider (Doc. 4).

IT IS SO ORDERED.

Signed this 17th day of February, 2016.


David R. Herndon



Digitally signed by
Judge David R. Herndon
Date: 2016.02.17
12:32:24 -06'00'

United States District Court

judgment was entered. *Id.* at Docs. 9 & 10. Thereafter, Howell appealed to the Seventh Circuit Court of Appeals. *Id.* at 17. On October 10, 2003, the Clerk of the Court entered the Seventh Circuit Court of Appeals' Mandate denying Howell's appeal. *Id.* at 25. Moreover, Howell has a long history of repeated filings with this Court both in his closed criminal case, 98-30200-DRH, and the various other petitions seeking to overturn his criminal conviction. In fact, the Court has sanctioned Howell with a monetary fine and barred him from further filings. The Court need not recite or go into all the frivolous motions/pleadings as it is not necessary to decide this motion to reconsider.